

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

WILLIAM J. COCKRELL, BILLY H.
COCKRELL, AND CAROLYN V. COCKRELL

PLAINTIFFS

V.

CAUSE NO. 2:95CV016-B-O

MEMPHIS-SHELBY COUNTY AIRPORT
AUTHORITY, PRESIDENT LARRY COX,
BOARD MEMBERS, ET AL., CITY OF
SOUTHAVEN, MISSISSIPPI, MAYOR
JOE CATES, BOARD OF ALDERMAN,
ET AL., DESOTO COUNTY SPECIAL
COURT OF EMINENT DOMAIN,
MISSISSIPPI, ET AL., JOE WEBSTER,
ET AL., D.B. BRIDGEFORTH, ET AL.,
TAYLOR BUNTIN, ET AL., JUDY KITCHENS,
ET AL.

DEFENDANTS

ORDER

This cause is presently before the court on the petition of the plaintiffs to set aside the court's order of July 25, 1995. The court previously set aside an entry of default against Defendant Joe Webster and the Desoto County Special Court of Eminent Domain and denied the plaintiffs' petition for default judgment against the same and other defendants. The court treats this petition as a timely motion under Rule 59(e) of the Fed. R. Civ. Pro., commonly referred to as a motion to reconsider.

In its July 25, 1995 order, the court found that the entry of default was a result of a good faith mistake on the part of Webster's counsel and was therefore not willful. Furthermore, in the opinion of the court there was no prejudice to the plaintiffs in setting aside the entry of default. See United States v. One

Parcel of Real Property, 763 F.2d 181, 183 (5th Cir. 1985). In their motion, the plaintiffs simply reinstate their previous arguments on the issues relating to Webster. The court fully considered the plaintiffs' evidence and case citations in its original ruling and finds no more merit to them now.

The court also set aside the entry of default against the Desoto County Special Court of Eminent Domain. The court found that the clerk inadvertently entered this default against an improper defendant. The court is not persuaded by the rambling arguments of the plaintiffs that the aforementioned defendant is a suable entity. See Mississippi State Hwy. Comm'n v. First Methodist Church, 323 So. 2d 92 (Miss. 1975) (when a special court of eminent domain concludes the matter for which it was convened and a final judgment is entered, the special court automatically goes out of existence).

Finally, the court does not consider the plaintiffs' inexplicable arguments concerning the timing of responses worth discussing further. The court previously held that the City of Southaven, its mayor, alderman and attorneys complied with Rule 15(a) of the Federal Rules of Civil Procedure in filing their amended responses. Nothing the plaintiffs have offered diminishes that finding.

It is therefore ORDERED that the plaintiffs' motion for reconsideration is DENIED.

THIS, the ____ day of January, 1996.

NEAL B. BIGGERS, JR.
UNITED STATES DISTRICT JUDGE